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MYRIAD GENETICS, INC.  
320 WAKARA WAY  
SALT LAKE CITY, UT 84108  
[www.myriad.com](http://www.myriad.com)

MAR 28 2006

To: UNITED STATES PATENT AND TRADEMARK OFFICE

Fax: 571-273-8300

From: Herbert L. Ley III, Ph.D.

email: [HLEY@myriad.com](mailto:HLEY@myriad.com)

Direct Phone: 801-883-3463

Fax: 801-883-3871

DATE: March 28, 2006

NUMBER OF PAGES : 2 (including cover)

Attorney Docket No. 1438.01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Liwen Huang et al.

)

Application No.: 10/680,449

)

Group Art Unit: 1635

Filed: October 6, 2003

)

Examiner: Louis V. Wollenberger

For: RNA INTERFERENCE USING A  
UNIVERSAL TARGET

)

CERTIFICATE OF FACSIMILE

I hereby certify that this informal communication is being faxed on the date indicated above to the Commissioner for Patents at fax number 571-273-8300.

Herbert L. Ley III, Ph.D.

Date

March 28, 2006

Respectfully submitted,

Herbert L. Ley III, Ph.D.  
Reg. No. 53,215

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PTOL-413A (09-04)  
Approved for use through 07/31/2006, OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

### Applicant Initiated Interview Request Form

Application No.: 10/680,449  
Examiner: Louis Wollenberger

First Named Applicant: Lilwen Huang  
Art Unit: 1635

Status of Application: Finally Rejected

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**Tentative Participants:**

(1) Louis V. Wollenberger (USPTO)

(2) Sean McGarry (USPTO)

(3) Herbert L. Ley III (Myriad Genetics, Inc.)

(4) Jay Z. Zhang (Myriad Genetics, Inc.)

Proposed Date of Interview: Tuesday, April 3, 2006

Proposed Time: 1:00 p.m. (eastern) (AM/PM)

**Type of Interview Requested:**

(1)  Telephonic

(2)  Personal

(3)  Video Conference

Exhibit To Be Shown or Demonstrated:  YES

NO

If yes, provide brief description: \_\_\_\_\_

### Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rej. §112, 2<sup>nd</sup> para.</u>	<u>30 &amp; 34</u>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>Rej. §112, 1<sup>st</sup> para. written description</u>	<u>16-34</u>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) <u>Rej. §102(b)</u>	<u>18-20 &amp; 31</u>	<u>Cox et al. (1998)</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

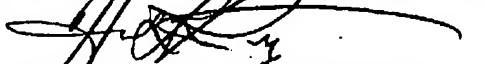
Continuation Sheet Attached

**Brief Description of Arguments to be Presented:**

1. Finality of the 2/22/06 Office Action in view of the newly cited prior art for rejection under §102(b).
2. Rejection under §112, 2<sup>nd</sup> para., and the definiteness of "FLAG®" tags.
3. Written Description Rejection in light of the state of knowledge in the art at time of filing. Invitrogen v. Clontech 429 F.3d 1052 (Federal Circuit November 18, 2005) and Capon v. Eshhar 418 F.3d 1349 (Federal Circuit August 12, 2005).
4. Rejection under §102(b) in view of the explicit definition of "chimeric RNA transcript" provided on page 16, lines 28-30 of the Specification.

An Interview was conducted on the above-identified application on \_\_\_\_\_  
NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview  
(see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview.  
Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

  
\_\_\_\_\_  
Applicant/Applicant's Representative Signature

\_\_\_\_\_  
Examiner/SPE Signature

Herbert L. Ley III, Ph.D.  
Typed/Printed Name of Applicant or Representative

53,215  
Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORM TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.